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PATENT APPLN. NO. 10/757,567
RESPONSE UNDER 37 C.F.R. §1.111

PATENT
NON-FINAL

REMARKS

Claims 1 to 4, 9, 21 and 23 are rejected under 35 U.S.C. 103(a) as being obvious over Ross (U.S. Patent No. 3,885,567) (hereinafter: "Ross") in view of Kayser (U.S. Patent No. 5,419,768) (hereinafter: "Kayser").

Kayser is cited as disclosing an electrically controlled regulation valve that automatically vents the aspirator to the atmosphere so as to reduce vacuum surge trauma and load in the system. The Office alleges that it would have been obvious to one of ordinary skill in the art to modify the aspirator of Ross according to the teaching of Kayser to contain a release valve that opens and closes simultaneously with the operation of the electric pump.

Applicants respectfully submit that the combination of Ross and Kayser will not result in the medical aspirator of the present invention and, therefore, is insufficient to support a case of obviousness. The atmospheric pressure obtaining release valve of claim 1 of the present invention is adapted to open simultaneously with stopping of the electric pump and to close simultaneously with starting of the electric pump. Since the valve opens simultaneously with the turning off of the power supply switch and stopping of the electric pump, it must operate without an

electrical signal. However, the regulation valve of Kayser is controlled entirely by electrical signals (see Col. 4, lines 2-3). Therefore, electrical power is necessary to regulate the vacuum in Kayser.

Furthermore, Kayser does not disclose that the regulation valve can be regulated by on/off signals because the regulator of Kayser is used for regulation of an unregulated vacuum source (see Col. 3, lines 56-60). The regulation valve of Kayser maintains a preset vacuum level by intermittently opening and closing. Operation of the regulation valve of Kayser is controlled by a comparator. Operation of the regulation valve of Kayser is not linked to the operation of an electric pump.

The regulation valve of Kayser is not equivalent to the atmospheric pressure obtaining release valve of the present invention. Therefore, the combination of Ross and Kayser will not result in the medical aspirator of the present invention.

Additionally, the medical aspirator of the present invention has an advantage of obtaining an atmospheric pressure in the pump without removing a coupling tube from an aspiration port because the aspirator has an atmospheric obtaining release valve for releasing a negative pressure in the pump. Therefore, restarting

the medical aspirator of the present invention is easy making it optimal for use as a surgical medical aspirator.

The medical aspirator of the present invention can also be optimally used as a portable or mobile medical aspirator because the construction of the aspirator is simple and a load during restarting the aspirator is not high due to the ability to release a negative pressure in the pump.

In a percutaneous thrombus removal operation, it is important and necessary to rapidly stop or restart aspiration depending on the symptoms of a patient. The aspirator of the present invention is particularly effective in this respect. Since the load during restarting is not high, then a small cell or battery can be used as a power supply for the aspirator. Thus, the aspirator can be used freely anywhere. However, the aspirator of Ross is significantly more complex than the medical aspirator of the present invention and does not and cannot provide the advantages of the medical aspirator of the present invention.

Removal of the 35 U.S.C. 103(a) rejection of the claims is believed to be in order and is respectfully requested. Issuance of a Notice of Allowance and a Notice of Allowability are also in order and are respectfully requested.

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It is believed that claims 9 and 23 are allowable and generic to both species of the present invention identified in the first office action dated September 29, 2005. Therefore, rejoinder of withdrawn claims 10, 12 to 20 and 22 is also believed to be in order and is respectfully requested.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,

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